

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEVEN LUKES,

Plaintiff,

-against-

NASSAU COUNTY JAIL, ARMOR CORRECTIONAL
HEALTH, INC., JOHN DOE AND JANE DOE OF THE
NASSAU COUNTY JAIL, JOHN DOE AND JANE DOE
OF ARMOR CORRECTIONAL HEALTH, INC.,

Defendants.
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FEUERSTEIN, District Judge:

ORDER

12-CV-1139(SJF)(AKT)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JAN 10 2013 ★

LONG ISLAND OFFICE

I. Introduction

On March 7, 2012, *pro se* plaintiff Steven Lukes ("plaintiff") filed a complaint pursuant to 42 U.S.C. § 1983 ("Section 1983"), accompanied by an application to proceed *in forma pauperis*. On March 14, 2012, plaintiff also moved for the appointment of *pro bono* counsel to represent him in this case. By order dated May 29, 2012, plaintiff's application for leave to proceed *in forma pauperis* was granted; the complaint was *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2) unless plaintiff filed an amended complaint in accordance with that order on or before July 2, 2012; and plaintiff's application for the appointment of *pro bono* counsel was denied without prejudice. Since plaintiff did not file an amended complaint in accordance with the May 29, 2012 order, nor seek an extension of time to do so, the complaint is hereby dismissed with prejudice. The Clerk of the Court shall enter judgment in favor of defendants, close this case and, pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, serve notice of entry of this order upon all parties, including mailing a

copy of this order to plaintiff at his last known address in accordance with Rule 5(b)(2)(C) of the Federal Rules of Civil Procedure.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: January 10, 2013
Central Islip, New York